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**IN THE HIGH COURT OF PUNJAB AND HARYANA AT
CHANDIGARH**

(I)

CRM-M-45591-2021

Date of decision:27.07.2022

MANDEEP

...Petitioner

Versus

STATE OF HARYANA

...Respondent

(II)

CRM-M-47709-2021

AJMER

...Petitioner

Versus

STATE OF HARYANA

...Respondent

CORAM: HON'BLE MR. JUSTICE SURESHWAR THAKUR

Present: Mr. Deepak Vashishth, Advocate
for the petitioner(s).

Mr. Tanuj Sharma, AAG, Haryana.

SURESHWAR THAKUR, J. (ORAL)

Both the bail petitions cast under Section 438 Cr.P.C., shall be disposed of through a common order, as they arise from a common FIR.

2. The petitioners, by filing the present petition cast under Section 438 of Cr.P.C., seek grant of anticipatory bail in case FIR No.231 of 10.06.2021, registered at Police Station Jind Sadar, District Jind, wherein offences constituted, under Sections 395, 450, 506 of IPC, and, under Section 25 of Arms Act, are embodied.

3. This Court, through an order made, on 14.12.2021, had granted *ad-interim* bail to the present bail petitioners.

4. Both the petitioners are alleged to, alongwith other co-accused arrive, at the crime site, at 6:30 p.m., in about 3-4 cars. From the liquor vend

occurring, at the crime site, they are alleged to, through brandishing fire arms loot therefrom, 12 petis of country made liquor, and, also loot a sum of Rs.8-10,000/-, as was carried in the cash box concerned.

5. Be that as it may, since the learned State counse on instructions given to him, by the investigating officer concerned, submits that the weapons of offence has been recovered, at the instance, of the present bail petitioners, to the investigating officer concerned. Furthermore, when he also submits that, the investigations into the petition FIR are almost complete, thereupon, this Court *prima-faice* does not become constrained to order for the custodial interrogation of the present bail petitioners.

6. Even though as a pre-condition for the present bail petitoners becoming admitted to pre-arrest bail, this Court would definitely have asked them, to deposit the looted sum, comprised in a sum of Rs.8-10,000/- in the establishment of the learned trial Judge concerned, and, make its disbursement to the concerned, subject to the outcome of the trial, as may become entered, upon by the learned trial Judge concerned. But since it is stated at the bar, by the learned State counsel that in respect of the above allegations, as, made against the accued in the FIR, the aggrieved-complainant, has subsequently made an articulation, that the description of guilt in respect thereof, was under some bonafide mistake. Therefore, this Court does not deem it fit, and, appropriate to make any insistences, upon the present bail petitioners, to deposit the above looted sum of money, in the establishment of the learned trial Judge concerned.

7. Furthermore, since it is also stated at the bar, by the learned State counsel that, the crime vehicles have been recovered, at the instance of the accused concerned. Therefore, though this Court becomes constrained to

admit the present bail petitioners to pre-arrest bail, but none of the accused has ensured the making of recovery of the looted 12 cartons of country made liquor, from the liquor vend concerned. Therefore, unless the above 12 cartons of country made liquor were either sold further or were consumed, thereupon their recovery, at the instance of the accused is most imperative, as the above comprise case property. But even if the above looted 12 cartons of country made liquor are either consumed or alienated, thereupon yet the investigating officer concerned, can proceed to draw an inculcation against the accused, for an offence constituted under Section 201 of IPC.

8. Nonetheless, the sums of money equivalent to the market value of the above looted 12 cartons of country made liquor, is required to be deposited, at the instance, of the present bail petitioners, in the establishment of the learned trial Judge concerned, disbursement whereof would become regulated by the outcome of the trial, as may become entered, upon by the learned trial Judge concerned.

9. In consequence, as submitted by the learned counsel for the petitioners, they are directed to, within a week from today, respectively deposit a sum of Rs.7,000/- each, in the establishment of the learned trial Judge concerned, disbursement(s) whereof would become regulated by the outcome of the trial, as may become entered, upon by the learned trial Judge concerned.

10. In summa the order as made, by this Court, on 14.12.2021, is with condition (supra) made absolute, and, also on the same terms and conditions, but subject to theirs respectively furnishing before the investigating officer concerned, personal, and, surety bonds in the sum of

₹50,000/- each, and, to the satisfaction of the investigating officer concerned, and, also subject to theirs not tampering with prosecution evidence, and, besides theirs not influencing prosecution witnesses, and, also theirs making the fullest co-operation to the investigating officer concerned, as, and, when required to be rendering their co-operation.

11. This order is only for the disposal of both the petitions, and, shall have no bearings on the merits of the case.

12. Disposed of.

13. Dasti copy.

27.07.2022

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(SURESHWAR THAKUR)
JUDGE

Whether speaking/reasoned:-

Yes/No

Whether reportable:

Yes/No